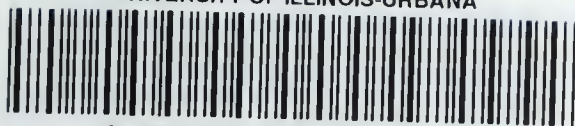


State of Illinois
Pat Quinn, Governor

Illinois State Police
Jonathon E. Monken, Director

UNIVERSITY OF ILLINOIS-URBANA



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The National Child Protection and Volunteers for Children Act

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Illinois State Police

Introduction

The National Child Protection Act of 1993 (NCPA), Public Law 103-209, as amended by the Volunteers for Children Act (VCA), Public Law 105-251 (Section 221 and 222 of the Crime Identification Technology Act of 1998), authorizes certain nongovernmental organizations to conduct a fingerprint based national criminal history record check to determine an individual's fitness to care for the safety and well-being of children, the elderly and people with disabilities. This federal Act allows organizations, designated as a qualified entity, to make a fitness determination based on national criminal history record information provided by the Federal Bureau of Investigation (FBI) through the Illinois State Police. There are specific criteria that qualified entities must adhere to in order to obtain FBI criminal history record information pursuant to the NCPA/VCA.

Qualified Entities

A "qualified entity" is defined as a business or organization, either public, private, for-profit, not-for-profit, or voluntary that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or placement services. The Act specifically permits qualified entities to submit fingerprint based ISP and FBI criminal history record inquiries regarding individuals that provide care, treatment, education, training, instruction, supervision or recreation to children, the elderly or people with disabilities. The qualified entity's decision to request a criminal history record check is discretionary according to the NCPA/VCA. There is currently no provision contained in the Act requiring that such checks be conducted. Qualified entities are authorized to conduct NCPA/VCA criminal history record checks to obtain FBI data, provided there is no other existing statutory provision in place authorizing such access. Organizations currently authorized to conduct criminal history record checks under other statutory provisions should continue to follow the statutory mandates that specifically apply to them. For example, public schools should continue to request Illinois and FBI criminal history record information pursuant to the Illinois School Code, not the NCPA/VCA. However, a private children's soccer league would meet the qualifications of a qualified entity and as such, are eligible to receive FBI criminal history record information regarding individuals seeking employment or volunteering to coach in the children's league.

What is required:

Complete an NCPA/VCA Program Application

- Your organization must meet the qualifications described above in order to be designated as a 'qualified entity'. Complete the NCPA/VCA application in full and explain what functions are performed involving children, the elderly, or people with disabilities. Once the application is approved, i.e. it is determined that your organization meets the qualifications of a qualified entity, a user's agreement must be executed.

Sign the NCPA/VCA User's Agreement

- The qualified entity must sign a User's Agreement provided by the Illinois State Police (ISP), Bureau of Identification (BOI) prior to submitting any requests.
- The User's Agreement contains specific provisions governing the use of state and national criminal history record information which must be adhered to.
- Once the User's Agreement is executed, the qualified entity will be issued an organization identification number (ORI number). That number must be used when submitting the fingerprint based inquiries.

Fee Applicant Fingerprint Inquiry:

- The qualified entity must obtain a signed consent form (waiver) from the applicant authorizing a search of the ISP and FBI national criminal history record databases. In addition, the consent form must specifically authorize the release of any criminal history record information that may exist from any agency, organization, institution, or entity having such information on file regarding the applicant.
- All requests for State and FBI national criminal history record information must be fingerprint based and be submitted as a Fee Applicant fingerprint inquiry to the BOI electronically via live scan. Name based NCPA/VCA checks are not permitted. To learn more about live scan, please access the ISP Internet Home Page at www.isp.state.il.us/crimhistory/livescan.cfm.
- All NCPA/VCA submissions must be processed through the BOI. In addition, all submissions must designate a fingerprint-based search of both the Illinois State Police's and the FBI's criminal history record information databases. Requesting a search of the FBI's criminal history record information database only, is not permitted.
- A current list of commercial live scan fingerprinting vendors is available from the Illinois State Police upon request.

- Live scan machines can also be purchased from live scan equipment manufacturers. A list of live scan equipment manufacturers is also available upon request.
- Fee Applicant submissions must include the correct ISP assigned ORI number and appropriate three digit Purpose Code (NCP — for NCPA/VCA employee applicant; or VCA— for NCPA/VCA volunteer applicant) on all submissions forwarded to the ISP for processing.

Fees

A draw down account must be established to facilitate the payment of fees unless a commercial live scan fingerprinting vendor is used to transmit the fingerprint submissions to the ISP. If a live scan vendor is used, payment can be made to the vendor and ISP will collect the ISP and FBI processing fees by debiting the live scan vendor's draw down account. A monthly statement detailing all account activity will be provided to the account holder.

Type	Illinois Fee	FBI Fee	Total
Employee (NCP)	\$15.00	\$19.25	\$34.25
Volunteer (VCA)	\$15.00	\$15.25	\$30.25

Processing

- ISP and FBI criminal history record fingerprint based inquiries can be submitted for current and prospective employees of the qualified entity, as well as individuals such as volunteers and contractors who may have unsupervised access to children, the elderly or people with disabilities.

Responses

- All ISP and FBI criminal history responses will be forwarded to the qualifying entity, not the live scan vendor.
- An ISP response will provide any Illinois **conviction** information contained in the files of the Illinois State Police. An FBI response will provide **conviction** as well as any **non-conviction** information contained in the national criminal history record information database.
- ISP is prohibited from disseminating any juvenile criminal history record information unless the juvenile was tried and convicted as an adult.
- The qualified entity is required to provide the applicant a copy of their ISP and FBI criminal history record response upon request.

- The officials making the suitability determination are required to provide the applicants the opportunity to challenge the accuracy of the information contained in their Illinois or FBI criminal record, per 28 CFR 16.34. Officials making the suitability determination should not make denials based on information contained in a criminal history record until the applicant has been afforded a reasonable time to challenge their record or has declined to do so.
- Applicants should be advised that they can request to access and review their Illinois criminal history record if they believe it to be inaccurate or incomplete. Complete details regarding Illinois Access and Review and FBI review procedures can be obtained by accessing the ISP Internet Home Page at www.isp.state.il.us/crimhistory/viewingchircds.cfm.
- The BOI processes all Access and Review fingerprint submissions free of charge, however, local police departments may charge a nominal fee for completing and submitting the Access and Review form.

Dissemination and Security

- Records obtained under the authority of the National Child Protection Act and Volunteer for Children's Act must be used solely for the purpose requested and cannot be disseminated outside of the receiving organization, related agencies, or other authorized entities. All secondary disseminations must be logged.
- Agencies and organizations receiving criminal history record information are required to secure such information and insure that it is not accessible to or disseminated to any unauthorized individuals.
- All qualified entities receiving Illinois and FBI criminal history record information are subject to state and federal audits regarding the use, security and dissemination of such information.

Training

- Organizations seeking to obtain criminal history record information pursuant to the NCPA/VCA are required to attend criminal history record information training sessions conducted by the Illinois State Police, Bureau of Identification. These sessions are generally half day training sessions conducted twice a year and include instruction regarding criminal history record processing procedures, how to interpret a rap sheet, available electronic response methods, an overview of new laws and proposed state and federal legislation that may affect access to criminal history record information, etc.

- The Guide to Understanding Criminal History Record Check Information can be obtained from the ISP web site at <http://www.isp.state.il.us/media/docdetails.cfm?DocID=508>.

**Questions regarding this information
or program may be addressed to:**

Illinois State Police
Division of Administration
Bureau of Identification
260 North Chicago Street
Joliet, Illinois 60432

Phone: (815) 740-5160

Fax: (815) 740-4401

E-mail:

boi_customer_support@isp.state.il.us



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